

### **REMARKS**

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office Action, and the following remarks are presented for the Examiner's consideration.

Claims 1–10 were rejected under 35 U.S.C. 103(a) over JP 10-173737 (hereinafter “Emiko”) in view of the Article “Subscribers to NTT DoCoMo's i-Mode Service Top 1 Million,” August 10, 1999, World Reporter, Comline Telecommunications (hereinafter “the Article”). For the following reasons, the rejection is respectfully traversed.

Regarding claims 1 and 8, neither Emiko nor the Article nor any combination thereof teaches or suggests a portable cellular telephone comprising “a downloading means which downloads an application software *corresponding* to a music data format defined in connection with the music data from a remote server,” as required. Applicant acknowledges that Emiko does not teach this limitation, and the Article is cited for this purpose. The abstract of the Article describes a service that would allow subscribers to use their cellular phones download music software from the Internet. There is no teaching or suggestion anywhere in the article that the music software corresponds to a music data format of music data also being downloaded, as in the present claims. Rather, the implication is that users can arbitrarily select particular software programs to download to their phones, without respect to a music format of corresponding music data. Therefore, even if Emiko were modified to include the teachings of the cited Article, every limitation of the claims would not be taught or suggested by the resulting combination. Thus, claims 1 and 8 and their respective dependent claims 2–7 and 9–10 are patentable over the prior art of record.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 32892.

Respectfully submitted,

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